

S/N 10/658,975 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter R. Anderson et al. Examiner: Paul D'Agostino
Serial No.: 10/658,975 Group Art Unit: 3714
Filed: September 10, 2003 Docket: 1842.041US1
Title: GAMING MACHINE WITH AUDIO SYNCHRONIZATION FEATURE

REPLY BRIEF UNDER 37 CFR § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Reply is presented in response to the Examiner's Answer, (hereinafter the "Answer") dated December 28, 2009, which was sent in answer to Appellants' Appeal Brief, filed on April 20, 2009. Appellants' Appeal Brief was filed in response to the rejection of claims 10-22 of the above-identified application.

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REPLY

Reply to Examiner's Answer (10) Response to Argument:

Appellant has reviewed the Answer and believes that the statements in the original Appeal Brief remain accurate and compelling. Appellant provides the remarks below to address issues raised in the Answer.

1. The Answer at page 18 contends:

Appellant argues (see Appellant's Appeal Brief pages 16-17) that a) the cue point and association data table associating the cue point to a game-related event is not inherent in that the table may be managed by an external process and b) that the association table is internal to the file as claimed in Claim 22. Examiner respectfully disagrees. Examiner has clarified the rejection of the claims to indicate that Smith discloses .wav files containing, as disclosed by Appellant, known "cue points" and association data tables called "cue chunks". These structures are inherent to Wave files. Thus, the inherency is in reference to the particulars of the disclosed .wav files.

Appellant respectfully submits that even though Appellant discloses Wave files and that Wave files may be used to practice Appellant's inventive subject matter, Wave files in and of themselves do not provide the claimed features. The novelty and non-obviousness of Appellant's invention is not precluded by the currently known uses of Wave files or the .wav file format. In particular, Appellant respectfully submits that Wave files do not provide the functionality of an "association table associating a cue point with a game-related event," as claimed.

Instead, as described in Appellant's application and referred to by the Examiner, Wave files include a "cue chunk" that "lists the cue points programmed into the audio portion of the file ... [and provides] an identification number for each cue point and specifies the cue point's location in the audio stream."¹ As such, merely a cue point's location is stored in a cue chunk. There is no reference to a game related event. Thus, any assertion that Smith inherently discloses

an “association table associating a cue point with a game-related event,” as claim 22 recites, must be found to be clear error.

Furthermore, with respect to dependent claims 11 and 16, Appellant maintains that neither Smith nor Brossard disclose “wherein the memory structure includes an association table having the marker and the event associated with the marker, and further including referring to the association table to identify the event to be initiated in response to detecting the marker;” as presently required by claim 11 and similarly recited in claim 16.

¹ Application at p. 7, lines 12-15.

CONCLUSION

For the reasons argued above and in the Appeal Brief, Appellant respectfully submits that claims 10-22 were not properly rejected under § 103(a). It is respectfully submitted that the claims are patentable over the cited art. Therefore, Appellant respectfully requests reversal of all bases of rejection and allowance of all claims.

The Examiner is invited to telephone Applicant's attorney at (612) 371-2134 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system, EFS-Web, and is addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1 day of March 2010.

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Signature